Claims 1-20 remain pending in the Application.

Specification Objections

The Abstract is objected to because it is longer than 150 words. Applicant has amended the Abstract. Therefore the objection with respect to the Abstract is overcome.

The title is objected to because it is not descriptive. Examiner has stated that legal words like "System" and "Method" should be removed. Applicant respectfully disagrees with the Examiner's objection.

Applicant respectfully directs the Examiner's attention to the USPTO database wherein a search of allowed patents with titles including "system" and "method" results in 73,983 patents. Moreover, Applicant respectfully directs the Examiner's attention again to the USPTO database wherein a search of published applications with titles including "system" and "method" results in 70,334 applications. Therefore, Applicant respectfully submits that there is well documented precedence for the utilization of the terms "method" and "system" in the title of both a Patent and a Patent Application. Therefore, Applicant respectfully submits the title objection is incorrect and should be withdrawn.

Claim Rejection 35 USC 101

In the Office Action, Claims 1-10 and 16-20 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The Examiner has stated that the Claimed matter is not embodied on a tangible readable medium.

Applicant respectfully disagrees with the Examiner's rejection. Applicant points out that Claims 1-10 are method claims. As is well documented in Patent law, a method Claim recites each step that is performed to carry out the method.

Additionally, Applicant points out that Claims 16-20 are System claims. As is well documented in Patent law, System Claims claim the claim elements described and the tangible hardware that in one embodiment, is used to perform the method.

Applicant respectfully states that the Examiner has incorrectly assumed the Method Claims of 1-10 and the System Claims 16-20 to be Beauregard Claims. However, Applicant respectfully directs the Examiner to Claims 11-15 which were not rejected to under 35 USC 101 because Claims 11-15 are the Beauregard Claim set. Therefore, Applicant respectfully states that Claims 1-10 and 16-20 are presented in correct form and the rejection under 35 USC 101 is incorrect and should be withdrawn.

Rejection under 102(e)

Claims 1, 6, 11 and 16

In the Office Action, the Examiner rejected Claims 1, 6, 11 and 16 under 35 USC 102(e) as being anticipated by Morganelli et al. (6425120). Applicant has reviewed Morganelli et al. and respectfully states that Morganelli et al. do not anticipate the present invention for the following rationale.

Applicant respectfully states that Claim 16 is rejected by the Examiner utilizing both the Morganelli et al. reference and the TI reference (page 3-19). Therefore, as the Examiner has stated Morganelli et al. alone does not anticipate Claim 16. Thus, the 102(e) rejection of Claim 16 is incorrect since the Examiner has clearly stated that Claim 16 requires a combined reference.

Therefore, Applicant respectfully submits that Claim 16 is not anticipated by Morganelli et al. and is therefore allowable. Thus, Applicant submits that the rejection of Claim 16 under 102(e) is incorrect and should be withdrawn.

Accordingly, Applicant also respectfully submits that Claims 17-20 which are dependent on Claim 16 are allowable as pending from an allowable base Claim.

Additionally, Applicant respectfully states that Claims 1, 6, 11 and 16 include the feature "analyzing a block of code for at least one instruction characteristic." Moreover, Claims 1, 6, 11 and 16 include the feature "displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code." That is, as stated in the first paragraph of the background portion, there is a need to provide a clear, correct and effective way for programmers to debug and visualize the highly optimized code (emphasis added). This is important because there are a couple of aspects of code optimization that make debugging of optimized machine code difficult. Specifically, as stated in the field of the invention, the present application is directed to producing graphic representations of code characteristics and optimizations that are performed to enhance programmer understanding of code behavior (emphasis added).

Applicant respectfully points out, as the Examiner has stated, that Morganelli et al. does not teach the underlying theory of compiler optimization. Additionally, Applicant respectfully points out that Morganelli et al. is not analogous art. That is, Applicant understands Morganelli et al. to teach the use of program objects to further simplify visual basic programming by providing less need for a user to actually produce any type of code. That is, Applicant does not understand Morganelli et al. to anticipate or teach a deeper analysis of underlying code or enhancement of programmer understanding of code behavior. Instead, Applicant understands Morganelli et al. to teach a reduction in the need for user interaction with program code by increasing opportunities to utilize plug-and-play visual basic program objects.

Moreover, Applicant does not understand Morganelli et al. to anticipate any type of "analyzing a block of code for at least one instruction characteristic." Instead, Applicant understands Morganelli et al. to anticipate the use of program objects for use in visual basic programming thereby removing the need for any type of block of code analysis or even any need to see the actual block of code being utilized.

Therefore, Applicant respectfully submits that Claims 1, 6, 11 and 16 are not anticipated by Morganelli et al. and are therefore allowable. Thus, Applicant submits that the rejection under 102(e) is overcome. Accordingly, Applicant also respectfully submits that Claims 2-5, 7-10, 12-15 and17-20 which are dependent on independent Claims 1, 6, 11 and 16 are also allowable as pending from allowable base Claims.

<div align="center">Rejection under 103(a)</div>

Claims 1-20

In the Office Action, the Examiner rejected Claims 1-20 under 35 USC 103(a) as being unpatentable over Morganelli et al. in view of TMS320C6X Optimizing Compiler User's Guide, Texas Instruments 2000 (hereinafter TI). Applicant has reviewed the cited references and respectfully submits that the present invention is not rendered obvious over Morganelli et al. in view of TI for the following rationale.

Applicant respectfully points out that Claims 1, 6, 11 and 16 were in this same Office Action rejected under 35 USC 102(e) as being anticipated by the same art, e.g., Morganelli et al. Therefore, if Claims 1, 6, 11 and 16 are anticipated by Morganelli et al. under 35 USC 102(e), then either the rejection of Claims 1, 6, 11 and 16 under 35 USC 103(a) as being unpatentable over Morganelli et al. in view of any other art or else the rejection under 35 USC 102(e) as being anticipated by Morganelli et al. is incorrect and should be withdrawn.

In either case, as previously stated, Independent Claims 1, 6, 11 and 16 include the feature "analyzing a block of code for at least one instruction characteristic." Moreover, Claims 1, 6, 11 and 16 include the feature "displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code." That is, as stated in the first paragraph of the background portion, there is a need to provide a clear, correct and effective way for programmers to debug and visualize the highly optimized code (emphasis added). This is important because there are a couple of aspects of code optimization that make debugging of optimized machine code difficult. Specifically, as stated in the field of the invention, the present application is directed to producing graphic representations of code characteristics and optimizations that are performed to enhance programmer understanding of code behavior (emphasis added).

Applicant respectfully agrees with the Examiner that Morganelli et al. does not teach or make obvious the present compiler optimization. Additionally, Applicant respectfully points out that Morganelli et al. is not analogous art. That is, Applicant understands Morganelli et al. to teach the use of program objects to further simplify visual basic programming by providing less need for a user to actually produce any type of code. That is, Applicant does not understand Morganelli et al. to anticipate or teach a deeper analysis of underlying code or enhancement of programmer understanding of code behavior. Instead, Applicant understands Morganelli et al. to teach a reduction in the need for user interaction with program code by increasing opportunities to utilize plug-and-play visual basic program objects.

Moreover, Applicant does not understand Morganelli et al. to anticipate any type of "analyzing a block of code for at least one instruction characteristic." Instead, Applicant understands Morganelli et al. to anticipate the use of program objects for use in visual basic programming thereby removing the need for any

type of block of code analysis or even any need to see the actual block of code being utilized.

However, Applicant respectfully disagrees that TI overcomes the shortcomings of Morganelli et al. Applicant does not understands TI to teach displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code. That is, Applicant does not understand TI to provide any type of graphic indicator with any type of compiler functionality.

Therefore, Applicant respectfully submits that neither Morganelli et al. nor Morganelli et al. in combination with TI make obvious the features analyzing a block of code for at least one instruction characteristic and displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code as recited in Claims 1, 6, 11 and 16, and as such, Claims 1, 6, 11 and 16 are in condition for allowance.

Accordingly, Applicant also respectfully submits that Morganelli et al. in combination with TI does not render obvious the present claimed invention as recited in Claims 2-5 which are dependent on an allowable Independent Claim 1, Claims 7-10 which are dependent on an allowable Independent Claim 6, Claims 12-15 which are dependent on an allowable Independent Claim 11 and Claims 17-20 which are dependent on an allowable independent Claim 16 and that Claims 2-5, 7-10, 12-15 and 17-20 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-5, 7-10, 12-15 and 17-20 are allowable as pending from allowable base Claims.

Conclusion

In light of the above remarks, Applicant respectfully requests allowance of Claims 1-20.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

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